

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

FRANK ALLEN COX

PLAINTIFF

v.

Civil No. 07-3046

SHERIFF JERRY LOGGINS,
Searcy County, Arkansas; and
BRIAN STOCKTON, Jail
Administrator, Searcy County Jail

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Frank Allen Cox filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on October 10, 2007. His complaint was filed *in forma pauperis* (IFP).

On March 20, 2008, the undersigned entered an order (Doc. 14) granting the defendants' motion to compel. Cox was directed to provide the defendants with discovery responses by April 3, 2008. On April 9, 2008, defendants filed a motion to dismiss (Doc. 15). In the motion, defendants state they have not received the discovery responses from the plaintiff.

I therefore recommend that the defendants' motions to dismiss be granted. This case should be dismissed based on Cox's failure to comply with the order of the court and his failure to prosecute this action. *See* Fed. R. Civ. P. 41(b).

The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 17th day of April 2008.

/s/ *J. Marszewski*

HON. JAMES R. MARSZEWSKI
UNITED STATES MAGISTRATE JUDGE